

CITY BUILDING SOCIETY.

Incorporated by an Act of Provincial Legislature.

For the purpose of assisting the members of the society in the acquisition of FREEHOLD AND LEASEHOLD PROPERTY and in the removal of incumbrances or liabilities upon property already held by them, and to enable them to receive the amount of their shares in advance upon furnished good mortgage security.



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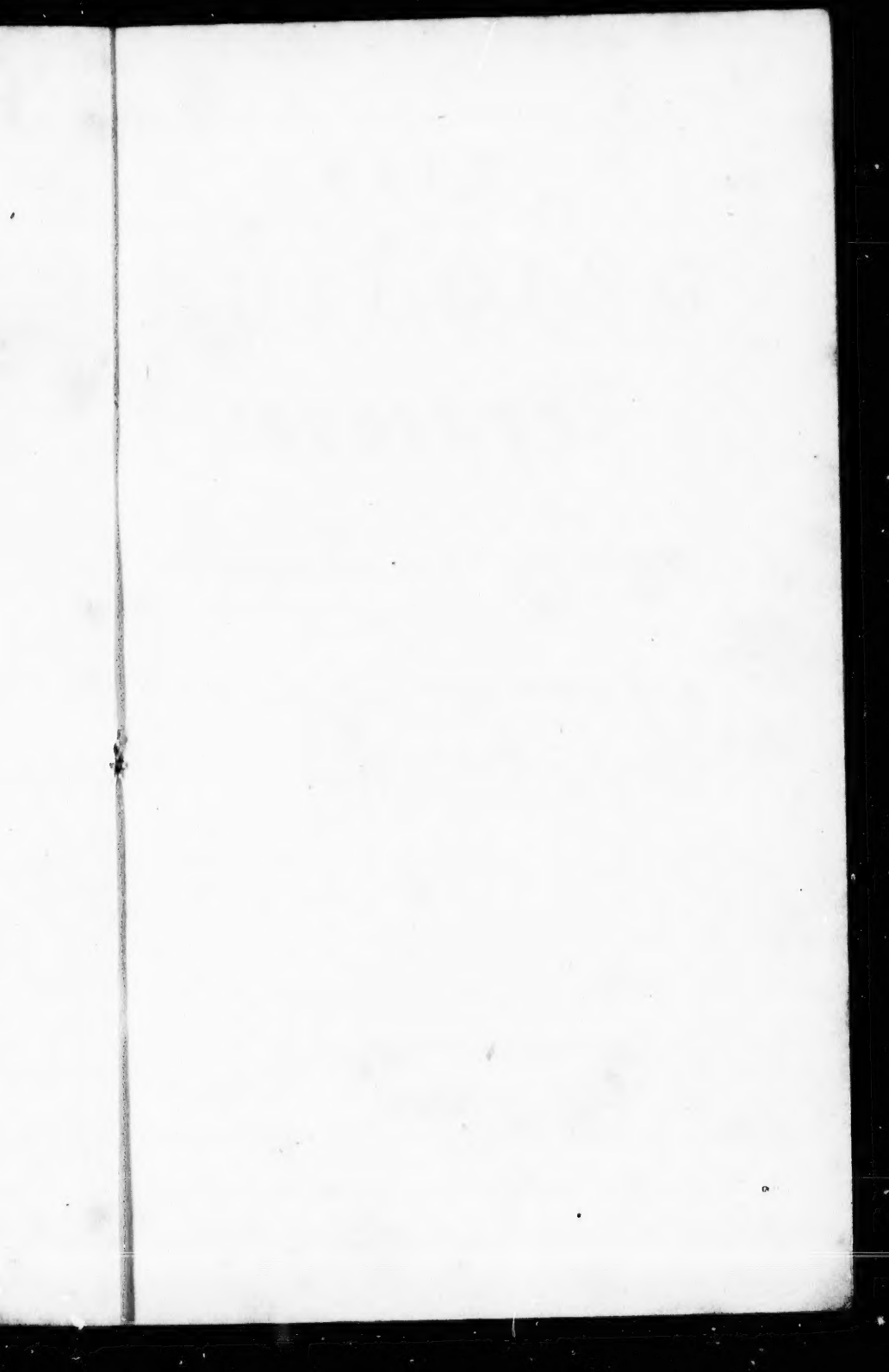
BUREAU & MARCOTTE,

No. 29, Buade Street, Upper Town,

QUEBEC.

1856.

Hassell Finlayson & Co



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12 Victoria, Cap. 57.

AN ACT

To encourage the establishment of building societies in Lower Canada.

25th April, 1849.

WHEREAS an Act was passed in the ninth year of Her Majesty's Reign, for the purpose of encouraging the establishment of Building Societies in Upper Canada, and it is expedient to encourage the formation of similar Societies in Lower Canada, whenever the Inhabitants of any particular locality may be desirous of availing themselves of the provisions of this Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled:

An Act to re-unite the Province of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That when and so soon as any twenty persons or upwards in any part of Lower Canada shall have agreed to constitute themselves a Building Society, and shall have signed and executed, under their respective hands and seals, a declaration of their wish and intention so to constitute themselves such Building Society, and shall have deposited the same with the Clerk or Prothonotary of the Court of Queen's Bench of the District whe-

Preamble.

When twenty persons shall agree to constitute a Building Society, they shall be a Corporation for that purpose, after having complied with certain formalities.

rein such Building Society is to be formed, and to have its principal Office or Place of Business, (who for receiving such deposit shall be entitled to receive a fee of two shillings and six pence) such persons and such other persons as may afterwards become members of such Society, and their several and respective heirs, executors, curators, administrators, successors, and assigns, shall be ordained, constituted and declared to be, and shall be a Corporation, body corporate and politic, by such name and style as a Building Society, as by such declaration so deposited as aforesaid, shall have been declared to be the name by which the persons so executing the same, desire such Society to be known, for the purpose of raising by monthly or other periodical subscriptions of the several members of the said Society, and in shares not exceeding the value of one hundred pounds for each share, (such subscriptions not to exceed twenty shillings per month for each share,) a stock or fund for the purpose of enabling each member thereof to receive out of the funds of the said Society the amount of value of his share or shares therein, to erect or purchase one or more dwelling house or houses, or other freehold or leasehold estate, and to be secured by way of mortgage or otherwise to the said Society, until the amount or value of his share or shares shall have been fully paid to the said Society, with the interest thereon, and with all fines or liabilities incurred in respect thereof; and that it shall and may be lawful to and for the several members of such Society, from time to time, to assemble together, and to make, ordain and constitute such proper and wholesome Rules and Regulations for the government and guidance of the same, as the major part of the members thereof so assembled together shall

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deem meet, so as such Rules shall not be repugnant to the express provisions of this Act, or to the general laws of this Province or of Lower Canada; and to impose and inflict such reasonable fines, penalties and forfeitures upon the several members of the said Society who shall offend against any such rules, as the majority of the members may think fit, to be respectively paid to such uses for the benefit of the said Society, as the said Society by such Rules shall direct; and also from time to time to amend and alter such rules as occasion may require, or annul or repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this Act contained: **May impose fines on members, &c.**
Provided, that no member shall receive or be entitled to receive from the funds of such Society any interest or dividend by way of annual or other periodical profit upon any share or shares in the said Society, until the amount or value of his share or shares shall have been realized; except on the withdrawal of such member according to the rules of the said Society then in force. **Proviso as to Dividends, &c.**

II. And be it enacted, That it shall and may be lawful to and for every such Society to have and receive from any member or members, such sum or sums of money by way of *Bonus* on any share or shares, for the privilege of receiving the same in advance prior to the same being realized, besides interest for the share or shares so received or any part thereof, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts of Parliament or by any Laws in force in Lower Canada relating to Usury. **Society may receive money by way of bonus without being liable under the Usury Laws.**

III. And be it enacted, That each such Society shall and may from time to time, elect and appoint any number of the members of the said Society to be a Board of Directors, (who shall **Society to elect from time to time a Board of Directors.**

Certain powers may be assigned to the Directors.

Quorum.

Proviso:
Record of
transactionsto
be kept, &c.

Rules to de-
clare purposes
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lishment, &c.

choose a President and Vice President,) the number and qualification thereof to be declared in the Rules of such Society; and shall and may delegate to such Directors all or any of the powers given by this Act to be executed; and such Directors being so elected and appointed, shall continue to act for and during such time as shall be appointed by the Rules of such Society; the powers of such Directors being first declared in and by the said Rules; and in all cases where Directors shall be appointed for any particular purpose, the powers delegated to them shall be reduced to writing, and entered in a book by the Secretary or Clerk of the said Society; and a majority of the number of such Directors, present at any meeting thereof, shall at all times be necessary to concur in any act of such Directors, and they shall in all things delegated to them, act for and in the name of such Society; and all acts and orders of such Directors, under the powers delegated to them, shall have the like force and effect as the acts and orders of such Society at any General Meeting thereof could or might have had in pursuance of this Act; Provided always that the transaction of such Directors shall be entered in a book belonging to such Society, and shall from time to time and at all times be subject and liable to the review, allowance and disallowance, of such Society, in such manner and form as such Society shall by their General Rules have directed and appointed, or shall in like manner direct and appoint.

IV. And be it enacted, That every such Society so established as aforesaid, shall in or by one or more of their said Rules, declare all and every the interests and purposes for which such Society is intended to be established; and shall also in and by such Rules direct all and every the uses and purposes to which the money

which shall be paid or given for the said Society in any way shall be a share or interest in any person, or same or of application pugnate such Society aforesaid nuance of enforced or given, of the said not be done Treasurer member under such shall by offence.

V. And management entered that purpose seasonable members of such contained alteration in the Rules for such matter shall from

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which shall from time to time be subscribed, paid or given to or for the use or benefit of the said Society, or which shall arise therefrom or in any wise shall belong to the said Society, shall be appropriated and applied; and in what shares or proportions, and under what circumstances, any member of such Society, or other person, shall or may become entitled to the same or any part thereof; Provided that the application thereof shall not in any wise be repugnant to the uses, interests or purposes of such Society, or any of them to be declared as aforesaid; and all such Rules during the continuance of the same shall be complied with and enforced; and the moneys so subscribed, paid or given, or so arising to or for the use or benefit of the said Society or belonging thereto, shall not be diverted or misapplied either by the Treasurer or Directors, or any other officer or member of such Society entrusted therewith, under such penalty or forfeiture as such Society shall by any rule enforce and inflict for such offence.

Proviso as
to purposes to
which moneys
may be ap-
plied, &c.

V. And be it enacted, That the Rules for the management of every such Society shall be entered and recorded in a book to be kept for that purpose, which book shall be open at all seasonable times for the inspection of the members of such Society, but nevertheless nothing contained herein shall extend to prevent any alteration in or amendment of any such Rules in the whole or in part, or making any new Rules for the management of such Society, in such manner as by the Rules of the said Society shall from time to time be provided.

Rules to be
recorded in a
book kept for
that purpose,
and open to
members.

VI. And be it enacted, That all Rules from time to time made and in force for the management of such Society and entered and recorded as aforesaid, shall be binding on the several

Rules to be
binding on
Members and
Officers of So-
ciety.

members and officers of the said Society, and the several contributors thereto, and their representatives, all of whom shall be deemed and taken to have full notice thereof by such entry and record as aforesaid; and the entry of such rules in the book or books of the said Society as aforesaid, or a true copy of the same, examined with the original and proved to be a true copy, shall be received as evidence of such Rules respectively, in all cases.

Rules to be altered, &c., at General Meetings only.

VII. And be it enacted, That no Rule entered as aforesaid shall be altered, rescinded or repealed, unless at a General Meeting of the Members of such Society, convened by public notice written or printed, signed by the Secretary or President of the said Society in pursuance of a requisition for that purpose by not less than fifteen of the Members of such Society, which requisition shall state the objects for which the meeting is called, and shall be addressed to the President and Directors; whereupon each member shall be notified of the proposed alterations through the Post Office, within fifteen days; such meeting to consist of not less than one-third of the shareholders, three fourths of which meeting must concur in such alterations or repeal.

Rules to specify place of meeting.

VIII. And be it enacted, That the Rules of every such Society shall specify the place or places at which it is intended that the said Society shall hold its meetings, and shall contain provisions with respect to the powers and duties of the members at large, and of such officers as may be appointed for the management of the affairs of the said Society.

Directors to appoint Officers of Society.

IX. And be it enacted, That the Directors of every such Society shall and may from time to time at any of their usual meetings, elect and appoint such person or persons to be Officers of the said Society as they shall think proper, and

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grant such salaries and emoluments as they may deem fit, and pay such necessary expenses attending the management of the said Society as may be incurred; and shall and may from time to time elect, when it shall be deemed necessary to carry into execution the purposes of the said Society, for such space of time and for such purposes as shall be fixed and established by the Rules of the said Society, and may from time to time discharge such person or persons, and elect and appoint others in the room of those who shall vacate or die or be so discharged; and all and every such officer or other person whatsoever who shall be appointed to any office in any wise touching or concerning the receipt, management or expenditure of any sum of money collected for the purposes of the said Society. before he shall be admitted to take upon him the execution of any such office or trust, shall become bound in a bond in such form and for such amount as the Directors may determine, with two sufficient sureties, for the just and faithful execution of such office of trust, and for rendering a just and true account according to the Rules of the said Society, and in all matters lawful, to pay obedience to the same.

Officers to
give security.

X. And be it enacted, That it shall and may be lawful for every such Society to take and hold any real estate, or securities thereon, *bonâ fide* mortgaged, assigned or hypothecated to the said Society, either to secure the payment of the shares subscribed for by its members, or to secure the payment of any loans or advances made by, or debts due to such Society, and may also proceed on such mortgages, assignments or other securities, for the recovery of the monies thereby secured, either at law or in equity or otherwise, and

Society may
take and hold
real estate, &c
mortgaged to
Society, to se-
cure payment
of shares.

Investment of
moneys.

Mode of pro-
ceeding when
an Officer of
the Society
shall die or
become insol-
vent.

Proviso.

Property of
the Society
vested in the
President and
Treasurer for
the time being.

that such Society shall have the power of investing in the names of the President and Treasurer for the time being, any surplus funds in the stocks of any of the Chartered Banks or other public securities of the Province, and that all dividends, interest and proceeds arising therefrom shall be brought to account and applied to and for use of the said Society according to the Rules thereof.

XI. And be enacted, That if any person appointed to any office by such Society, and being entrusted with and having in his hands or possession, by virtue of his said office, any monies or effects belonging to such Society, or any deeds or securities relating to the same, shall die or become bankrupt or insolvent, his heirs, executors, curators, administrators or assigns or other person having a legal right, shall, within fifteen days after demand made by the order of the Directors of such Society, or the major part of them, assembled at any meeting thereof, deliver over all things belonging to the said Society, to such persons, as the said Directors shall appoint, and shall pay out of the estates, assets or effects of such persons, all sums, of money remaining due which such person received by virtue of his said office, before any of his other debts are paid or satisfied, and all such asset, estates and effects shall be bound to the payment and discharge thereof accordingly; Provided always, that the same be not paid or satisfied to the prejudice of mortgages or privileges on real estate, or of liens or privileges on personal estate only, duly executed previous to the appointment of such officer.

XII. And be it enacted, That all real and heritable property, monies, goods, chattels and effects whatever, and all titles, securities for money or other obligatory instruments and

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whatever, and all rights and claims belonging
to or had by such Society, shall be vested in
the President and Treasurer of the said Society
for the time being, for the use and benefit of
the said Society, and the respective members
thereof, their respective heirs, executors, cu-
rators, administrators or assigns, according to
their respective claims and interests, and after the
death or removal of any President or Treasurer,
shall vest in the succeeding President and Treas-
urer for the same estate and interest as the
former President and Treasurer had therein,
and subject to the same trusts, without any
assignment or conveyance whatever; and also
shall for all purposes of action or suit, as well
criminal as civil, in law as in equity, in any
wise touching or concerning the same, be de-
emed and taken to be, and shall in every such
proceeding (when necessary) be stated to be,
the property of the persons appointed to the
offices of President and Treasurer of the
said Society for the time being, in the proper
names of such President and Treasurer,
without further descriptions, and such persons
shall, and they are hereby authorised to bring
or defend or cause to be brought or defended
any action, suit or prosecution, criminal as well
as civil, in law or in equity, touching or cor-
cerning the property, right or claim aforesaid,
of or belonging to or had by the said Society,
and in all cases concerning the property, right
or claim aforesaid of the said Society may sue
and be sued, plead and be impleaded in their
proper names as President and Treasurer of
of the said Society, without other description,
and no such suit, action or prosecution shall be
discontinued or abated by the death of such
persons or their removal from the offices
of President or Treasurer, but shall continue in

And shall be
deemed their
property for
certain pur-
poses.

President and
Treasurer may
bring actions,
&c.

As to their
successors.

Secretary, a
competent
witness.

Non-liability
of the Presi-
dent, &c.

Treasurer to
prepare yearly
a Statement
of the funds of
the Society.

Particulars.

Attestation,
&c.

the proper name of the persons commencing the same, any law, usage or custom to the contrary notwithstanding; and the succeeding President and Treasurer shall have the same rights and liabilities, and shall pay or receive like costs as if the action or suit or prosecution had been commenced in their names, for the benefit of or to be satisfied out of the funds of the said Society.

XIII. And be it enacted, That in all such actions, suits and prosecutions aforesaid, the Secretary of such Society shall be a competent witness, notwithstanding he may also be Treasurer of the said Society, and that his name may have been used in such action, suit or prosecution as such Treasurer.

XIV. And be it enacted, That the President, Vice-President and Directors of every such Society, shall in their private capacity be exonerated from all responsibility in relation to the liabilities of such Society.

XV. And be it enacted, That the Rules of every such Society, shall provide that the Treasurer or other principal Officer thereof shall once at least in every year prepare or cause to be prepared a general statement of the funds and effects of and belonging to the said Society; specifying in whose custody or possession the said funds or effects shall then be remaining, together with an account of all and every the various sums of money received and expended by or on account of the said Society since the publication of the preceeding periodical statement; and every such periodical statement shall be attested by two or more members of the said society appointed Auditors for that purpose, who shall not be Directors, and shall be countersigned by the Secretary or Clerk of the said Society, and every member shall be

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commencing entitled to receive from the said Society a copy of such periodical statement without charge.

XVI. And be it enacted, That nothing herein contained shall effect or be construed to effect or interfere with any of the rights or privileges conferred upon the "Montreal Building Society," under the Act passed in the eighth year of Her Majesty's Reign, and intitled, *An Act for the incorporation of certain individuals under the name and style of "The Montreal Building Society,"* nor in any wise to effect said Act. Saving of the rights of the Montreal Building Society, and of the Act 8 V. c. 94.

XVII. And be it enacted, That the words "Lower-Canada" in this Act shall be understood to mean that part of the Province which formerly constituted the Province of Lower-Canada; the words "Upper-Canada" that part of the said Province which formerly constituted the Province of Upper-Canada; and the word "Society" shall be understood to include and to mean Building Societies and Institutions established under the provisions and authority of this Act; the word "Rules" to include Rules, Orders, By-Laws and Regulations; every word importing the singular number shall extend and be applied to several persons or things as well as one person or thing, and bodies corporate as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only, shall extend and be applied to a female as well as a male; the words "Real Estate" shall extend and apply to immoveable estate and property generally; and the word "Securities" shall extend and apply to privileges, mortgages, (equitable as well as legal,) *hypothèques* and incumbrances upon real and immoveable estate, as well as to other

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Interpretation clause.

To whom this
Act shall ex-
tend.

Public Act.

rights and privileges upon personal estate and property: That this Act shall extend to aliens, denizens and females, both to make them subject thereto and to entitle them to all the benefits given thereby; and that this Act shall be construed in the most beneficial manner for promoting the ends thereby intended.

XVIII. And be it enacted, That this Act shall be deemed a Public Act, and shall extend to all Courts of Law or Equity in this Province, and be judicially taken notice of as such by all Judges, Justices and other persons whatsoever without the same being specially shown or pleaded.

14 & 15 Victoria, Cap. 23.

A N A C T

To amend an Act to encourage the establishment of Building Societies in Lower Canada.

[2nd August, 1851.]

Preamble.

12 Vic. c. 57.

WHEREAS in the tenth Section of the Act passed in the Session held in the twelfth year of Her Majesty's Reign, and intituled, *An act to encourage the establishment of Building Societies in Lower Canada*, it is amongst other things provided, "That it shall and may be lawful for every such Society to take and hold any real estate or securities thereon, *bonâ fide* mortgaged, assigned or hypothecated to the said Society, either to secure the payment of the shares subscribed for by its members, or to secure the payment of any loans or advances made by or debts due to such Society,

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"and may also proceed on such mortgages,
"assignments or other securities for the reco-
"very of the monies thereby secured, either
"at law or in equity, or otherwise;" And
whereas, owing to the forms of procedure in
the Courts in that part of the Province, known
as Lower Canada, and from the want of proper
means to carry out the provisions of the said
clause, difficulties may occur; and it is also
expedient that no doubt should exist with res-
pect to the power and legality of carrying into
force the stipulations of the shareholders among
themselves, or as to the power of every such
Society to loan money on property actually
belonging to any member thereof, before and
at the time at which any monies may be ad-
vanced, as well as for the actual purchase of
such property and erection of building thereon:
Be it therefore enacted by the Queen's Most
Excellent Majesty, by and with the advice and
consent of the Legislative Council and of the
Legislative Assembly of the Province of
Canada, constituted and assembled by virtue
of and under the authority of an Act passed in
the Parliament of the United Kingdom of
Great Britain and Ireland, and intituled, *An act
to re-unite the Provinces of Upper and Lower
Canada, and for the Government of Canada,*
and it is hereby enacted by the authority of the
same, That from and after the passing of this
Act, whenever any such Society shall have
received from any shareholder a mortgage or
hypotheec, or an assignment or transfer of any
real estate belonging to him or her, to secure
the payment of any advances, and containing
an authority to the said Society to sell such
real estate in case of non-payment of any stipu-
lated number of instalments or sums of money
(as every such Society is hereby and by the

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said Act was authorized to do,) and containing also authority and power to the said Society to apply the proceeds of such sale to the payment of the advances, interest and all other charges due to the said Society, and after perfect payment thereof and of all costs and expenses incident thereto, to pay over the balance to the owner of such estate, such stipulations and agreement shall be valid and effectual and binding to all intents and purposes whatsoever, and it shall be lawful for every such Society to cause the same to be enforced and executed by an action or proceeding in the usual course in any Court of Law within that part of this Province called Lower Canada, having competent jurisdiction, and such action may be brought in the corporate name of any such Society, or in the names of the President and Treasurer of any such Society, describing them to be such President and Treasurer.

Action to enforce the same.

What it shall be sufficient to allege in any such action.

What only need be proved to maintain such action.

Advertisement and sale of the property.

II. And be it enacted, That in any action or proceeding to be instituted by any such Society for the purpose of realizing or bringing to sale any property or estate hypothecated, mortgaged or assigned to the said Society, by any person or persons as aforesaid, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant hypohecatad, mortgaged or assigned (as the case may be) the real estate, describing the same, to the said Society, and that the amount, or sufficient part of the amount stipulated by such party to be paid, has become and remains due and owing, whereby by virtue of this Act and of the Act hereby amended, an action hath accrued to the said Society, to have the said estate and property sold; and in order to maintain such action, it shall be sufficient, in addition to the customary evidence of the hypothec, mortgage

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or assignment of such property or estate, to prove by any one witness, whether in the employment of, or a shareholder in such Society or not, or by any other means, that the defendant is in arrear and indebted to the said Society in or exceeding a sum on the accruing of which, by the terms of such hypothec, mortgage, assignment or agreement, the said Society may have the right to have the said property or estate sold; and thereupon the Court shall give judgment for the said amount, and by such judgment order the property to be sold by the Sheriff of the District wherein it may be, after three insertions in the course of four months in the *Canada Gazette*; and it shall not be necessary for the Sheriff to go through any formalities in seizing the said lands or otherwise; but all the laws of that part of the Province called Lower Canada, with respect to the protection of immoveable property under seizure, and with respect to the filing of oppositions to, and after the sale of lands or immoveable property, to the payment, return and distribution of the money, to the re-sale of such immoveable property at the *folle enchère* of any purchaser, and to the obtaining possession of any such immoveable property after sale, shall be applicable to the proceedings authorized by this Act; and the provisions of all laws and ordinances of Lower Canada, or of this Province, regulating the sale of real estate, and the judicial proceedings relative thereto, are, in so far as applicable and not otherwise provided for by this Act, hereby extended to all proceedings to be had under this Act; and if it be not otherwise herein directed, all such proceedings, in so far as may be, shall be conducted in like manner as proceedings under ordinary Writs of Execution; and the deed to be given by the Sheriff shall

Certain provisions extended to proceedings under this Act.

Proviso :
Sheriffs pound-
dage.

Forfeiture of
shares on
which instal-
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Doubts under
Sects. 1 and
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have the like effect as a deed given under an ordinary Writ of Execution ; Provided always, that the Sheriff of the District shall, in addition to his disbursements, be entitled to deduct only One per centum comission from the gross proceeds of sale.

III. And be it enacted, That every such Society shall have power to forfeit and declare forfeited to the said Society, the shares of any member who may neglect or be in arrear to pay such number of instalments as may be or are fixed by any stipulations, or by law ; and that every such Society may pursue the same course, exercise the same power, and use the same remedies to enforce the payment of any debt or demand due to such Society, as any person or persons, body corporate or politic, may now by law take or use for such purpose.

IV. And whereas, doubts have arisen as to the construction of the first and tenth Sections of the Act hereby amended, with respects to the right of any such Society to loan and advance money on property and estate, actually belonging to and acquired by the borrowes, at the time of such borrowing and advance, and it is expedient to remove such doubts ; Be it therefore enacted and declared, and it is therefore declared to have been and to be the intention of the said Act, That every such Society should have the power to advance, and every such Society is hereby authorized to advance in the usual manner, monies on any real estate whatsoever of any member of the said Society, as well for the actual purchase of the same and for the erection of buildings thereon, as generally upon the security of any real estate belonging to any such member at the time of his borrowing such monies, and to take and receive a mortgage, hypothec or assignment of all such real estate whatsoever in security for

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such advances, on the same conditions and with the same privileges in all respects as any other real estate by the said Act, and by this Act authorized and required to be mortgaged, hypothecated or assigned ; and further, that all securities heretofore, taken for monies advanced in the manner above mentioned, shall be valid and binding on the parties to all intents and purposes whatsoever, and in the same manner as if taken under this Act ; and that all or any person or persons whosoever, whether capitalists or otherwise, shall be at liberty to become members of any such Society ; and that copartners and corporate bodies may hold shares therein, in same manner as single individuals.

Any person
or corporation
may be a
member of
any such so-
ciety.

V. And be it enacted, That this Act shall be a public Act, and such be judicially taken notice of by all Judges and Justices, and other persons whomsoever, without being specially pleaded.



18 Victoria, cap. 116.

AN ACT

To amend the Act for the encouragement of
Building Societies in Lower Canada.

[Assented to 19th May, 1855.]

Preamble.

12 V. c. 57.

WHEREAS the great number of Shareholder in Building Societies often renders it difficult to obtain a meeting of one-third of such Shareholders; And whereas inconvenience arises from the manner in which such Societies are required to sue and be sued, and it is therefore expedient to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled, *An Act to encourage the establishment of Building Societies in Lower Canada*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Part of sect. 7
repealed.

I. So much of the seventh section of the said Act as provides that no rule shall be altered, rescinded or repealed, unless at a general meeting of the members of such Society, such meeting to consist of not less than one third of the Shareholders,—shall be and is hereby repealed.

How any Rule
of a Building
Society may

II. Provided always, that if more than one half of the number of members of a Building

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Society shall sign a requisition calling a ge- be repealed or
neral meeting of the Shareholders, and recom- amended.
mending a modification, rescision or repeal of
the rules of the said Society, and specifying
the terms thereof, the said meeting, without
limitation as to the number of Shareholders
present, shall be and is hereby authorized to
make and pass such modification, amendment,
rescision or repeal.

III. Notwithstanding any thing to the con- Societies may
trary in the said Act or in any other Act sue by the
amending the same, and specially the twelfth name taken in
section of the said Act, such Society, shall their decla-
hereafter sue and be sued by the name and ration under
style declared in and by the declaration men- sect. 1 of 12
tioned in the first section of the said Act as V. c. 57.
that under which such Society shall be known.



RULES

OF THE

CITY

BUILDING SOCIETY,

I.—That the intents and purposes for which this Society is intended to be established, are, to assist the members thereof in the acquisition of freehold or leasehold property: and in the removal of incumbrances or liabilities upon property already held by them: and to enable them to receive the amount of their shares in advance, upon furnishing good mortgage security.

2.—That all monies which shall, from time to time, be subscribed, paid, or given to or for the use or benefit of the Society, or which shall in any wise belong to the Society, shall be appropriated and applied, in the first place, in loans or advances to the several members, and towards the necessary expenses of the Society; but no member shall be entitled to receive, by way of loan or advance, more than the amount of his share or shares subscribed for, except as hereinafter provided for: if not taken up among the members, any funds may be invested for the benefit of the Society in the stocks of any of the chartered Banks or other public securities of the Province.

3.—That the stock of the Society shall consist of shares of £100 currency each, payable by monthly instalments of 10s. each share, on the fourth Mondy of each month.

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4.—That the affairs of the Society shall be under the control and management of a board of seven Directors, (of whom four shall be a quorum,) who shall hold not less than three shares each, and who shall choose from among themselves a President and Vice-President: Provided always, that the said Directors shall go out of office by rotation in the following manner, that is to say: on the second Wednesday of the month of April, in the year following that in which the election shall take place, three of the said Directors shall go out of office, and those who shall then go out of office shall be the Directors who shall have been elected by the smallest number of votes, and on the second Wednesday of the month of April, in the following year, three others of the said Directors shall go out of office, and those who shall then go out of office shall be the Directors who shall have been elected by the next smallest number of votes; and on the second Wednesday of the month of April, in every subsequent year, three Directors, being those who have been longest in office, without re-election, shall go out of office; and if any two or more of the said Directors shall have been the same length of time in office, then such of them as shall have been elected by the smallest number of votes shall first go out of office; and if any two or more of such Directors shall have been elected by an equal number of votes, then it shall be determined by a majority of the whole body of Directors, which of the said Directors so elected shall then go out of office; and in each instance the place of the retiring Directors shall be supplied by the election of a like number of Directors in the manner herein provided; Provided always, that every Director going out of office by rotation, or otherwise ceasing to be a Director,

may be re-elected, if then qualified as required by this Act, and after such election he shall, with reference to going out by rotation, be considered as a new Director.

5.—In the absence of both President and Vice-President, the Directors present at any meeting of the Board, shall have power to appoint a chairman *pro tem.*, and with such chairman shall be competent to transact the business of the society on board days.

6.—That the election of Directors shall be by ballot; and at such election, members shall be entitled to votes, upon the following scale, provided that no member shall vote by proxy, except female members and absentees from the district of Quebec:

For 3 shares or less ;.....	1 vote.
For 4 shares and less than 8 shares,	2 votes.
For 8 shares and less than 13.....	3 votes.
For 13 shares and less than 20.....	4 votes.
For 20 shares and upwards,.....	5 votes.
But no shareholder shall be entitled to more than five votes.	

7. That the Directors elected at the formation of the Society, shall continue in office till the election of their successors, on the 2nd Wednesday in April of the year 1857, unless in case of disqualification or resignation.

8.—That the Directors may make such arrangements with any of the chartered Banks doing business in the City of Quebec, for the deposit of monies and securities belonging to the Society, and for conducting other financial concerns, as they shall from time to time deem necessary.

9. —That a general Annual Meeting of the members shall be held at the office or rooms of the Society, or such place as the Board of Directors may appoint, on the second Wednesday in the month of April in each year, com-

mencing in the year of electing 1 year, and for the purpose of electing to the office of each of the Directors shall be subject to the affairs of the twelve months statement of the members of that purpose.

10.—That the Society may elect Directors, upon the meeting of the Board at the discretion of the Board in the board of Directors, upon the bankruptcy of the next election, the next election, the number of a list shall be elected to the office of the Directors.

11.—That the other General Meeting of the election shall be present, provided for casting votes by the ber.

12.—That who shall and who shall furnish the Board of Directors with their duties.

13.—That the members shall be empowered for and

as required, commencing in the year 1857, for the purpose of electing Directors to serve for the ensuing year, and for all other general purposes relating to the management of the Society; and at each of the said General Annual Meetings, there shall be submitted a full and clear statement of the affairs of the Society for the previous twelve months, and every such periodical statement shall be audited by two or more members of the Society appointed auditors for that purpose, who shall not be Directors.

10.—That extra General Meetings of the Society may be called by the Board of Directors, upon the members being notified of such meeting through the Post Office, or otherwise, at the discretion of the Board:—That vacancies in the board of directors by death, insolvency, bankruptcy, or otherwise; shall be supplied at the next ensuing meeting of Directors, by notifying the person who had the next highest number of votes at the annual election (of which a list shall be preserved) that he has been elected to supply such vacancy.

11.—That all questions at the Annual or other General Meetings of the society, (except the election of Directors as before mentioned,) shall be decided by a majority of members present, either in person or by proxy, as provided for in rule 6, the Chairman having a casting vote in addition to his vote as a member.

12.—That a Treasurer shall be appointed, who shall also perform the duties of Secretary, and who, before entering upon his office, shall furnish security to the satisfaction of the Board of Directors, for the due performance of his duties.

13.—That the Treasurer Secretary shall be empowered to receive and pay all monies for and on behalf the society, and his receipt

shall in all cases be a sufficient discharge. He shall also keep a cash book, where all monies received and payments made, are to be regularly and correctly entered; and he shall deposit daily with the bank, all such monies as he shall receive.

14.—That no monies shall be drawn from the bank without the signature of the President, (or in case of his absence or illness, of the Vice-President,) and of the Treasurer.

15.—That books shall be opened for keeping the accounts, minutes, and other proceedings and transactions of the society.

16.—That the proceedings of the Society shall be entered in a minute book, in detail, in such manner as the Board of Directors may, from time to time direct: such entries to be signed by the President, Vice-President or Chairman, as well as by the Secretary Treasurer.

17.—That the name and place of abode of each shareholder, shall be entered in a registry book to be kept for the purpose.

18.—That there shall be one or more Inspectors, whose duty it shall be to examine and determine the value of all property offered to the Society, as security for loans or advances, and to report their opinions in writing: such reports to be entered in the books of the Society.

19.—That every person becoming a member of the Society, (except as transferee, legatee, or legal, representative,) shall pay an entrance fee of 2s 6d per share.

20.—That all persons, upon taking shares in the Society, shall sign the rules in a book to be kept for that purpose.

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21.—That every member shall, so long as he shall continue to be a member, and until the objects of the Society be attained, pay ten shillings per share per month, on or before the day appointed for that purpose; and in default thereof, shall pay a fine of

3d	per share for the 1st month,
6d	" " 2nd month,
1s	" " 3rd month,

doubling the fine for each succeeding month, till the expiration of the first six months, and after that time, if the same remains unpaid, such member shall be considered as withdrawn under the provisions of the 22nd Rule.

22.—That any member, being desirous of withdrawing from the Society, may, on giving one calendar month's notice in writing to the Secretary, be allowed to do so; and may receive back (without interest) the net amount of his monthly subscriptions paid up, deducting any fines, interest or forfeitures that may be due, and also a forfeiture of twenty shillings per share.

23.—That each member changing his residence shall, within one calendar month thereafter, give notice in writing to the Secretary of such change, and of his new place of abode and address, and in default thereof be fined 2s. 6d.

24.—That a meeting shall be held on the fourth Monday of every month, for the disposal of such funds as the Society may have to lend or advance, of which due notice shall be given.

25.—That each purchaser or borrower, at every such meeting, shall, on or before the next day, deposit with the Treasurer the sum of £2 10s., for each share so purchased or borrowed; which deposit shall be forfeited unless he produce, within ten days from the day of

meeting, security satisfactory to the Board of Directors.

26.—That no property situate beyond the limits of the District of Quebec, and seigniority of Lauzon, be accepted as security for loans or advances to members of the Society.

27.—That after inspection of the property proposed, the purchaser shall, if the security be approved, execute a mortgage or transfer to the satisfaction of the Directors, and at his own expense, securing the monies advanced, with interest, and also the due payment of the ordinary monthly subscriptions, and any fines or forfeitures that may be incurred, and shall also bear the expenses of registration; which mortgage shall contain a covenant by the mortgager to insure the buildings comprised therein, from loss or damage by fire, for the full amount of the advance upon such buildings, and to assign over the Policy or Policies to the Society.

28.—That after such mortgage or transfer shall have been executed, together with such policies of insurance and other securities as the Directors may require, the mortgager shall at once receive the amount of the share or shares borrowed, purchased or advanced, deducting the bonus agreed to be paid thereon: or if one or more buildings be in progress of erection, such amount shall be advanced upon one or more certificates from the Inspectors, and from time to time, as the Directors shall determine, according to the progress of the work.

29.—That the Directors shall have power to renew, from time to time, already effected insurances from loss by fire of all buildings, and to pay the ground rents of all premises mortgaged to the Society; which payments may be

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made out of the funds of the Society, as such insurances and rents become due, and shall be charged to the mortgager, and repaid by him when the following monthly subscriptions fall due, in default whereof a forfeiture shall accrue to the Society of 20 per cent, upon the amount so paid.

30.—That any person entering the Society after its commencement or formation (except as transferee, legatee, or legal representative,) shall pay the full amount of subscriptions which shall have been paid by the original shareholders from the date of such commencement; those joining within six months shall pay interest upon such subscriptions, and those joining after that period, a proportionate bonus besides, according to a scale to be settled by the Directors.

31.—That any shareholder may transfer his share or shares by causing an entry of such transfer to be made in the books of the Society, in such manner as the Directors may appoint, and upon payment of the sum of 2s 6d for each share so transferred; and of all arrears then due, and thereupon the transferee (after signing the rules) shall be entitled to all the privileges of the original shareholder.

32.—That in case of the death of any member, the legatee or legal representative of such deceased member, shall before becoming entitled to the privileges of an original shareholder, indicate his place of abode, and the particulars of his title to be registered in the books of the Society, and shall at the same time exhibit the will or probate thereof, (as the case may be,) for the inspection and satisfaction of the Directors, and pay for such registry the sum of 2s 6d per share.

33.—That the directors elected at the formation of the Society, as well as those here-

after to be elected, shall be indemnified out of the funds of the Society or otherwise, from all expenses in reference to the formation, conduct, and management of the Society.

34.—That the Directors are empowered to allow to such shareholders who may be desirous of making an immediate deposit of money (at the rate of not less than £5 per share subscribed for,) for the purpose of meeting in advance their monthly dues, be allowed interest upon the amount so deposited at the rate of six per cent per annum, such interest to be carried to the credit of their account at the end of every twelve months.

COVENANT.

For the due observance and performance of all and every the foregoing Bye-Laws, Rules and Regulations, and of all and every the future Bye-Laws, Rules and Regulations, of "The City Building Society," we the members of the said society, who have hereunto subscribed and set our hands and seals, do hereby severally, each for himself his Executors and Administrators, and not jointly or the one for the other, convenant and declare to and with the President and Treasurer of the said society and their successors in Office, shat we and our several and respective Executor and Administrators shall and will well and truly observe, perform, fulfil and keep all and singular, the said foregoing and future Bye-Laws, Rules and Regulations of the said society, which on our several and respective parts are, or ought to be, observed, performed, fulfilled and kept.

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